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LETTER DATED 17 AUGUST 1995 FROM THE PRIME MINISTER OF THE REPUBLIC OF ZAIRE ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to acknowledge receipt of resolution 1011 (1995), adopted by the Security Council on 16 August 1995, which you transmitted to the Deputy Prime Minister and Minister for Foreign Affairs.

By its note verbale of 10 August 1995, the Permanent Mission of Zaire to the United Nations communicated to the President of the Security Council and yourself the position of the Republic of Zaire on the draft resolution relating to the lifting of the arms embargo imposed by the Security Council on Rwanda by resolution 918 (1994) of 17 May 1994.

Subsequently, through the intermediary of Mr. Aliou Diallo, the Resident Representative of the United Nations Development Programme in Kinshasa, I informed you of the strong internal pressures sustained by the Government, particularly from the Parliament, and of the political situation that would be created in Zaire, particularly on its borders with Rwanda and Burundi, by the vote on the resolution lifting the embargo on Rwanda, at a time when reliable and consistent reports in my possession point to a concentration of the armed forces of Rwanda and Burundi on the borders with Zaire.

I pointed out also that, in the event of a vote on the resolution lifting the embargo on Rwanda, the Zairian Government would find itself obliged to invoke article 3, paragraph 2, of resolution 2312 (XXII), entitled "Declaration on territorial asylum", adopted by the United Nations General Assembly on 24 December 1967, and thus to derogate - for major reasons of national security and in order to protect the population against the massive flow of foreigners that have invaded North and South Kivu - from the principle set forth in article 3, paragraph 1, of the above-mentioned Declaration.

This position was communicated by the Deputy Permanent Representative of Zaire to the United Nations to the President of the Security Council on 16 August 1995 before the Council's formal meeting, together with the position of the Government of the Republic of Zaire on the compromise text of the draft resolution on the suspension of the embargo imposed on Rwanda.

The adoption of resolution 1011 (1995) by the Security Council at its 3566th meeting on 16 August 1995 leaves me no choice but to request you to indicate to me the arrangements made at the United Nations level in relation to the new country or countries of asylum to which the Rwandan and Burundi refugees should be evacuated.

In the absence of any clear indication, the Government of the Republic of Zaire intends to evacuate them to their country of origin at the expense of the United Nations Assistance Mission for Rwanda, the United Nations and the Governments of their respective countries.

The decision of the Government of Zaire is the logical sequel to the adoption of Security Council resolution 1011 (1995), and its aim is to protect Rwanda against the alleged destabilization attempts by former members of the Rwandanese armed forces and Rwandan refugees in neighbouring countries, including Zaire.

(Signed) KENGO Wa DONDO